

## Exhibit A



# City of Corpus Christi

## Small Cell Design Manual

for the

Installation of Network Nodes and Node Support Poles

pursuant to Tex. Loc. Gov. Code, Chapter 284



2018

# Exhibit A

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## SECTION 1. PURPOSE AND APPLICABILITY

The City of Corpus Christi (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public.

### A. Purpose:

1. Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles”
2. As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301<sup>1</sup>, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunication providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

### B. Applicability:

1. This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284.
2. This Design Manual shall apply to any installations, collocations in, on, over or under the public rights-of-way of Network Nodes, Node Support Poles, Micro Network Nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion or installed as may otherwise be allowed by state law.
3. Items identified as encouraged within this design manual are not legally required. Items identified as discouraged within this design manual are not prohibited by law.

## SECTION 2. PREFERRED LOCATIONS OF MICRO NETWORK NODES, NETWORK NODES, NODE SUPPORT POLES AND RELATED GROUND EQUIPMENT.

### 2.1 Least Preferable Locations

#### A. Residential Areas and Parks

1. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is for residential use by zoning or deed restriction.
2. In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

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## B. Air Installation Compatible Use Zones (AICUZ)

1. A Network Provider is discouraged from installing Network Node Facilities, Node Support Poles or Ground Equipment in areas designated “Clear Zones”.

## C. Historic District and Design Districts

1. A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design District or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

## D. Currently Designated Design Districts

### 1. *Downtown/ Uptown Overlay*

- i. Network Node Facilities, Node Support Poles or Ground Equipment that are located in the Designated District “Uptown/Downtown Overlay” should be consistent with the aesthetic and design regulations in chapter 6.11 of the City’s Unified Development Code. (Exhibit A)

### 2. *Island Overlay*

- i. Network Node Facilities, Node Support Poles or Ground Equipment that are located in the Designated District “Island Overlay” should be consistent with the aesthetic and design regulations in chapter 6.4 of the City’s Unified Development Code. (Exhibit B)

### 3. *Tax Increment Reinvestment Zone #3 (TIRZ#3).* (Exhibit C)

The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

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### Uptown-Downtown Overlay District Boundary



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## Exhibit A

### Island Overlay District Boundary



## Exhibit B

## Exhibit A

### TIRZ #3 Boundary



## Exhibit C

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## E. Historic Landmarks

1. A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (see, for example, and not limited to §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit.
2. Each permit application shall disclose if it is with 300 feet of such a Historic Landmark structure.

## 2.2 Most Preferable Locations

### A. Industrial Areas

1. if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

### B. Highway Rights-of-Way

1. If not adjacent to a Municipal Park, Residential area, Historic District or Design District.

### C. Retail and Commercial Areas

1. If not adjacent to a Municipal Park, Residential area, Historic District or Design District.

## 2.3 Order of Preference Regarding Network Node Attachment to Existing Facilities and New Node Support Poles.

- A. Micro Network Nodes shall only be attached on existing telephone or electrical lines between existing utility poles (electric poles or telephone poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

### B. Existing Utility Poles (electric poles or telephone poles)

1. Existing Utility Poles shall be the preferred support facility for Network Nodes and related ground equipment.

### C. Municipal Service Poles

1. Non-decorative street lights with a height of more than 20 feet.
  - i. Be encased in a separate conduit than any City signage electronics
  - ii. Have a separate electric power connection than the signage structure; and
  - iii. Have a separate access point than the signage structure
2. Traffic signal structures when such installation will not interfere with the integrity of the facility and will not interfere with the safety of the public and in accordance with an agreement as allowed by Chapter 284, Sec. 284.056 and Sec. 284.101 (a) (3), and (b).
  - i. Be encased in a separate conduit than any City signage electronics

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- ii. Have a separate electric power connection than the signage structure; and
- iii. Have a separate access point than the signage structure
- 3. Street signage shall be a low priority use for attachment of a Network Node.
- 4. Other municipal service pole use is discouraged

### D. New Node Support Poles

- 1. New Node Support Poles shall be the least preferred type of allowed facility for attachment of Network Nodes.

### E. Ground Equipment

- 1. Ground equipment should be minimal and the least intrusive.

## SECTION 3: PRIOR TO APPLYING FOR A PERMIT

- A. For non-city owned property in the Public Right-of-Way, Network Providers are responsible for obtaining permission from the owners of such non-city owned property.
- B. It shall be the responsibility of the Network Provider to evaluate, prior to submitting a permit application, the compatibility between the existing City infrastructure and Provider's proposed Network Node.

## SECTION 4: PERMITTING

- A. Prior to installing a Wireless Facility, Network Providers shall complete and submit an application for a utility permit. The following are required documents for the application:
  - 1. Plans and drawings prepared and sealed by a professional Engineer licensed in the State of Texas that provide detailed drawings with calculations to show strict conformity to the size limitations as set forth in TLGC, Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, Size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Maximum Pole Height, with each application and with each request for a permit for each location.
- B. Installations on all Service Poles shall have an industry-standard pole load analysis completed in accordance with the provisions of the National Electric Safety Code and submitted with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.
- C. All affected materials and installation methods must comply with the Texas Department of Insurance's Requirements for windstorm resistant construction.

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D. Plat and site plan which includes the following:

1. Indication of current right-of-way line and other easements and encumbrances
2. Indication of spacing from existing curb, driveways, sidewalk, trees, utilities, other poles and existing buildings
3. Width of Pedestrian Clear Zone
4. Proposed underground conduit and equipment and its spacing from other utilities
5. All conduit shall be located a minimum of 24 inches away from existing utilities, not less than two feet from the edge of a pipe for water or sanitary sewer mains, and two feet above or below water or sanitary sewer mains when crossing perpendicular. Written approval from the Water Department Director or designee is required if a Network Provider is requesting a horizontal clearance of less than two (2) feet or a vertical clearance of less than two (2) feet of a water or sanitary sewer main.
6. Scaled drawings of the proposed attachments of a Network Node to a Service Pole or Node Support Pole of a scale of no less than 1"-40".
7. Copy of the Node ID sticker
8. Longitude and Latitude for each Network Node and Node Support Pole.
9. An analysis demonstrating that the proposed Wireless Facility does not cause any interference with the City's public safety radio system, traffic signal light system, or other city safety communications components in accordance with TLGC, Chapter 284, Sec. 284.304.

E. In the event that placement or maintenance of Wireless Facilities conducted by the Network Provider requires street or traffic lanes to be closed or obstructed, the Network Provider shall submit a traffic control plan. Storm Water Pollution Prevention Plan and Trench Safety Plan may also be required based on the proposed scope of work. The City retains the right to determine these conflicts and may require the movement of Wireless Facilities during review.

F. Network Providers shall obtain an electrical permit and inspection by City staff prior to the installation of an electrical meter.

G. Network Provider is required to schedule a site coordination meeting with City Staff for Historic and Design Districts.

H. Network Provider shall pay fees and rates adopted by City Council

I. Network Providers shall identify users of Wireless Facilities and provide a guarantee agreement signed by the users.

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## SECTION 5. GUIDELINES ON PLACEMENT

### 5.1 Generally

- A. In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes, including ground equipment, and Node Support Poles in a manner that does not:
  - 1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way
  - 2. obstruct the legal use of a public right-of-way by other utility providers
  - 3. violate nondiscriminatory applicable codes
  - 4. violate or conflict with the municipality's public right-of-way management regulation
  - 5. violate Corpus Christi Code or this Design Manual
  - 6. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.)

### 5.2 Underground Requirement Areas

- A. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
- B. If a location is designated by the City to transition to be an Underground Requirement Area, the City encourages a Network Provider to relocate Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 180 days after the designation. The City will make a good-faith effort to assist with identifying a location in a nearby Right-of-Way for the Micro Network Node, Network Node, Node Support Pole, and related ground equipment. If the Network Provider opts to relocate its Micro Network Node, Network Node, Node Support Pole, and related ground equipment, it shall obtain all permits required prior to relocation. The City shall waive the application fees and transfer all remaining rights to the new location so long as such relocation was not directly caused by the Network Provider.

### 5.3 Network Node Facility Placement

- A. Right-of-Way
  - 1. Network Node facilities, Node Support Poles and related ground equipment shall not obstruct, impede, or hinder usual travel or public safety on a public right-of-way.
- B. Height Above Ground
  - 1. Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108. For the safety and protection of the public and vehicular

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traffic, the City encourages Network Node attachments projecting toward the street, be installed no less than sixteen (16) feet above the ground.

### C. Protrusions

1. In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

### D. New Node Support Pole Spacing

1. In order to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area, the City encourages New Node Support Poles to be spaced apart from existing utility poles or Node Support poles at the same distance as the spacing between utility poles in the immediate proximity.

### E. Height of Node Support Poles or Modified Utility Pole

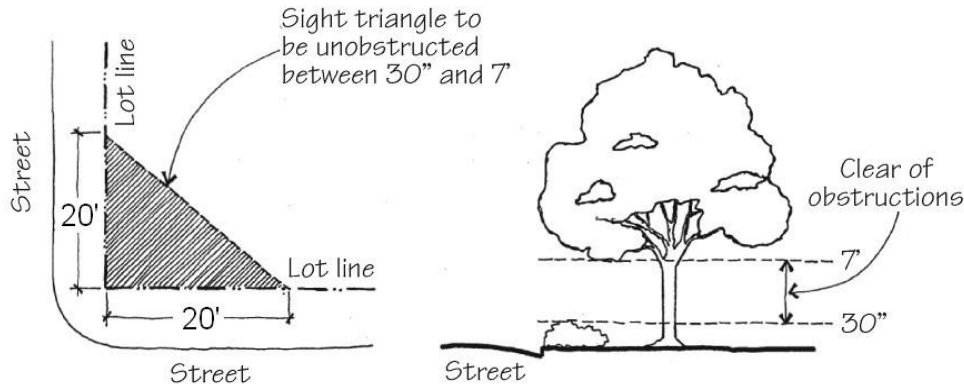
1. In accordance with Chapter 284, Sec. 284.103 a Node Support Pole or modified Utility Pole may not exceed the lesser of:
  - i. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
  - ii. 55 feet above ground level.

## 5.4 Ground Equipment

### A. Ground Equipment near Street Corners and Intersections

1. Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within a visibility triangle.
2. On any corner lot, a visibility triangle shall be established. The visibility triangle shall be formed by extending lines from the intersection of two streets to points 20 feet from the corner of the intersecting streets and then connecting the two points to form a triangle.
3. No construction, planting or grading shall be permitted to interfere with the sight triangle between the heights of 30 inches and 7 feet as measured from the crowns of the adjacent streets.

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### B. Ground Equipment Near Municipal Parks

1. For the safety of Municipal Park patrons, particularly small children, and to allow for full line of sights near Municipal Park property, the City discourages installation of ground equipment in a right-of-way that is within a Park or within 250 feet of the boundary line of a Park.

### C. Minimize Ground Equipment

1. In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's discourages installation of network node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

## 5.5 Municipal Service Poles

### A. In Accordance with Agreement

1. Installations on all service poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 284.056 and Sec. 284.101 (a) (3), and (b).

### B. Required Industry Standard Pole Load Analysis

1. Installations on all Service Poles shall have an industry standard pole load analysis completed in compliance with the National Electric Safety Code and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

### C. Installations on Traffic Signals

1. Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 284.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:
  - i. Be encased in a separate conduit than the traffic light electronics;

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- ii. Have a separate electric power connection than the traffic signal structure; and
- iii. Have a separate access point than the traffic signal structure.

### D. Installations on Street Signage

1. Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:
  - i. Be encased in a separate conduit than any City signage electronics;
  - ii. Have a separate electric power connection than the signage structure; and
  - iii. Have a separate access point than the signage structure.

## SECTION 6. GENERAL AESTHETIC REQUIREMENTS

### A. Concealment

1. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized, except to the extent not consistent with Chapter 284.

### B. New Node Support Pole Spacing

1. The City discourages the installation of New Node Support Poles less than 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

### C. Allowed Colors

1. Colors in Historic Districts and Design Districts with Decorative Poles must be approved by the City Manager or designee from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts with Decorative Poles shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

## SECTION 7. ELECTRICAL SUPPLY

- A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or

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omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

- B. Network Provider shall not allow or install generators or back-up generators in the Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

## SECTION 8. INSTALLATION AND INSPECTIONS

### A. Installation

1. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City Manager, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Manager. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").
2. The contractor must call 811 before digging
3. For the installation of Node Support Poles, Hydro Vac excavation is strongly recommended; other means will be evaluated on a case by case basis.
4. Extreme care must be taken during construction by the contractor due to the natural gas pipelines which exist throughout the City and are not shown on the plans.
5. Adjacent to arterials or higher capacity roadways, breakaway posts must be used for the Installation of Network Nodes and related wireless facilities.
6. The minimum horizontal distance between proposed pole and AEP overhead is 20'. Network Provider is to coordinate with AEP to address the appropriate safe distance from the existing transmission line and the existing overhead powerlines.
7. Some location may have to be recycled due to zoning comment or field conditions.
8. The applicant must address any additional comments from Utilities that may arise and get City Approval for each tower.

### B. Inspections

1. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within sixty (60) days of the planned inspection. Network Provider may have a representative present during such inspection.

## SECTION 9. GENERAL PROVISIONS

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## A. As Built Maps and Records

1. Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are constructed in the Right-of-Way, including, upon request, the use of Auto CAD/GIS digital format. The information provided by GIS is for reference only. Network Provider will provide additional maps to the City upon request.

## B. Courtesy and Proper Performance.

1. Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

## C. Drug Policy.

1. It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

## D. Allocation of Funds for Removal and Storage

1. The City has appropriated \$0 to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under this Article, and no other funds are allocated.

## E. Ownership

1. No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the right-of-way by Network Provider will become or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager of such removal within thirty (30) days after removal.

## F. Logo, Decals, Flashing Lights, RF Warning Sticker and Node IDs

1. Network Provider shall post its name, location identifying information, permit number and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 2 inches by 4 inches, unless otherwise required by law (e.g. RF ground notification signs).

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- i. Consider placing the node ID sticker on the underside of the equipment enclosure so it is only visible when standing next to the pole and looking up. If the node ID sticker cannot be placed on the underside of the main equipment arena, place the sticker on the side of the enclosure facing in the direction of travel (e.g. north-facing for a pole on the right-hand side of the street on a north-south street). Alternatively, consider combining with disconnect information.
  - ii. Use sticker colors that are more muted (e.g. tan), complementary or the same color as the equipment but with white colored lettering.
  - iii. Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by the government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from the street if there is no window or doorway within twenty-five (25) feet of the pole (preferred).
2. Except as required by laws or by the Utility Pole owner, Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service Pole or Utility Pole.
3. Equipment shall not have flashing lights that are visible to the public.
4. All equipment manufacturer decals shall be removed unless removal of the decal invalidates the manufacturer warranty, or the decal includes product identification information needed for product replacement or repair.
5. All visibly depressed manufacturer logos on equipment boxes shall be filled in.

### G. Tree Maintenance

1. Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees in the public right-of-way hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the Parks Director. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section. Network Providers are not permitted to trim trees outside of the public right-of-way.

### H. Graffiti Abatement

1. As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

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## I. Restoration

1. Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

## SECTION 10: DEFINITIONS

The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.<sup>2</sup>

*Abandon* and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 180 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

*Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

*Applicable codes* mean:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

*City* means the City of Corpus Christi, Texas or its lawful successor.

*City Manager* shall mean City Manager or designee

*Chapter 284* means Tex. Loc. Gov. Code, Chapter 284.

*Collocate* and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

*Concealment or Camouflaged* means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts with decorative poles. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

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*Decorative pole* means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

*Design District* means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

*Disaster emergency or disaster or emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

*Distributed Antenna System or DAS* shall be included as a type of "Network Node."

*Easement* means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

*Federal Communications Commission or FCC* means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

*Highway right-of-way* means right-of-way adjacent to a state or federal highway.

*Historic district* means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

*Law* means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

*Local* means within the geographical boundaries of the City.

*Location* means the City approved and lawfully permitted location for the Network Node.

*Macro tower* means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

*Micro network node* means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

*Municipal park* means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

*Municipally owned utility pole* means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

*MUTCD* means Manual of Uniform Traffic Control Devices.

*Network node* means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

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(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower.

*Network provider* means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) network nodes; or
- (ii) node support poles or any other structure that supports or is capable of supporting a network node.

*Node support pole* means a pole installed by a network provider for the primary purpose of supporting a network node.

*Permit* means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

*Pole* means a service pole, municipally owned utility pole, node support pole, or utility pole.

*Private easement* means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

*Provider* has the same meaning as “Network Provider.”

*Public right-of-way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

*Public right-of-way management ordinance* means an ordinance that complies with Chapter 284, Subchapter C.

*Service pole* means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

*Small cell* shall be included as a type of “Network Node.”

## Exhibit A

*Street* means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

*SWPPP* shall mean Storm Water Pollution Prevention Plan.

*TAS* means Texas Accessibility Standards.

*Traffic Signal* means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

*Transport facility* means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

*Underground Requirement Area* shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

*User* means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

*Utility pole* means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

*Wireless service* means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

*Wireless service provider* means a person that provides wireless service to the public.

*Wireless facilities* mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code Chapter 284.